

Appl. No. 10/799,134
Amdt. Dated: August 5, 2005
Supplemental Reply to Office Action of 10 February 2005

REMARKS/ARGUMENTS

Claims 1-15 are currently pending in the application.

Claims 1 and 8 are presently amended. Claim 15 is newly added. Claims 2, 3, and 7 are cancelled. Claim 13 was indicated as allowable by the Examiner, but objected to as dependent upon a rejected base claim. New claim 15 offers the elements of claim 13, intervening claim 12 and former claim 1 in independent form. Claims 1-12 and 14 were rejected by the Examiner. The rejections are respectfully traversed.

The Applicant previously filed an amendment and arguments in a response dated 10 May 2005. The Applicant attempted to contact the Examiner immediately following the filing and left several messages, however the Applicant was unable to speak with the Examiner before the Examiner took an extended leave. The Applicant left a voice mail explaining the current changes. The Applicant has now amended Claim 1 to remove the element inserted with that response and as a result the arguments presented in relation to that argument are now moot. The remaining elements of the amendment and arguments are not withdrawn.

The Applicant has in this response inserted the elements of Claims 2, 3, and 7 into independent Claim 1. The Examiner had previously rejected Claims 1-12 and 14 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 2,606,770 to Reichert. Reichert is a one-page text, one page figures disclosure of a "foldable wheel for

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5 of 7

Appl. No. 10/799,134
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hand trucks". The back wheel 20 is fixed on brace 12 of the cart. The brace has two grooves by which the position of the cart is fixed by a bolt. A large number of connection points is not disclosed, instead, two positions are disclosed--open for use (wherein wheel 20 is in contact with the ground), and closed for storage (wherein wheel 20 is removed from the ground). Unlike newly amended claim 1, Reichert does not have, suggest, or teach the second strut as a locking strip having a plurality of mounting points, or having the locking strip mounted on a bolt that extends into a slot of the locking strip. There can be no disclosure of a plurality of points as the Examiner suggests since the cart would be inoperable in anything but the open position with wheel 20 on the floor. Further, neither the drawings nor the text suggests anything but the open and closed positions. Clearly there can be no anticipation by Reichert of the present invention. As the remaining claims (excepting claim 15 discussed below) depend from independent claim 1, it is believed that Claims 1, 3-6, and 8-14 are allowable as a result.

The Examiner has rejected claims 1-12 and 14 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,155,527 to Sjoberg. The Applicant respectfully traverses the rejections. Independent Claim 1, from which all remaining claims depend (excepting claim 12, discussed below), as amended sets out that the guide cart frame comprises an upright section and a base section. Sjoberg does not have disclose teach or suggest a base section, and as such cannot anticipate the current invention. Therefore, the Applicant believes the current claims are now in line for allowance and respectfully requests that the rejections be withdrawn.

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The Examining Attorney indicated that Claim 13 would be allowable if rewritten in independent form. The elements of Claim 13, intervening Claim 12 and former Claim 1 have been rewritten in independent form as Claim 15. Since the Examining Attorney has indicated Claim 13 as allowable, the Applicant believes that new Claim 15 is allowable.

The Applicant believes that all claims should now be in line for allowance. The Applicant has attempted to be fully responsive to the office action through its amendment filed on 10 May 2005 and the present amendment. However, if the Examiner has additional suggestions or comments, the undersigned would very much welcome a telephone call in order to expedite placement of the application into condition for allowance.

Respectfully submitted,



Robert W. Becker, Reg. 26,255
Attorney for Applicant(s)

ROBERT W. BECKER & ASSOCIATES
707 Highway 66 East, Suite B
Tijeras, New Mexico 87059

Telephone: 505 286 3511
Telefax: 505 286 3524

RWB:KCF:mac

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